

中美环保合作情况回顾

EPA-MEP Environmental Collaboration

附件6：环境法律与制度

Annex 6 Environmental Law & Institutions

环境立法: Environmental legislation

合作的优先领域/需求/目标Priorities/Needs/Objectives

- 目标：双方分享经验、知识与实践，并帮助中国

Share information, experience and practice to help China develop:

- 环境法律法规起草、修改提供立法经验支持

Support experience on the drafting and revising of environmental laws and regulations

- 研究更加有效的环境保护和环境污染防治法律制度

Research more effective environmental protection and pollution control legal system

- 研究建立公众参与立法以及环境信息公开机制

Study the information disclosure mechanism and the public participation legislation

- 研究建立区域环境保护合作的法律制度

Study the establishment of the regional environmental cooperation system

- 提高制定环境法律制度的能力建设

Building capacity of legal institutions

2011至2013年间的合作成就

Accomplishments 2011-2013

- 加强了中方的环境立法工作

Further strengthened environmental Legislation in China

- 积极支持中方开展环境法律制度和环境执法机制创新研究

Actively Supports the study on innovation of environmental legal system and environmental enforcement mechanism

- 为中方撰写环境立法论证资料和研究报告提供资料

Provide information for the environmental legislation consideration

- 在美方的积极支持下，新修订的《环境保护法》中已写入按日计罚制度、查封扣押制度、环境公益诉讼制度、排污许可制度、加强环境信息公开和公众参与制度、加强政府环境责任制度和区域联防联控制度等

- With the active support of EPA, the daily penalty, information disclosure and public participation, permitting, accountability mechanisms have been written into the newly revised "*Environmental Protection Law*".

- 新修订的《环境保护法》已通过全国人大常委会三审，四审后将正式出台

- The newly revised "*Environmental Protection Law*" has passed the third trial of National People's Congress, and will be officially announced after the fourth trial

2011至2013年间的合作成就

Accomplishments 2011-2013

- 推动了中方环境经济政策的制定
- Promoted the policy-making of environmental economic policy
 - 积极支持中方开展美国环境经济政策有关制度研究，包括环境污染责任保险、污染物排放清单制度、排污许可和交易、绿色信贷等
 - Actively support the research of US environmental economic policy system, provisions relevant to environmental liability insurance, pollutant release system, permitting and trading, green credit , etc.
 - 2013年1月，环保部与保监会联合发布了《关于开展环境污染责任保险试点工作的指导意见》，目前已有19个省（自治区、直辖市）开展了环境污染责任保险试点工作。
 - January 2013, MEP and China Insurance Regulatory Commission jointly issued *The Guidance of Environmental Liability Insurance Pilot Work*, 19 provinces have carried out the experiment.

2011至2013年间的合作成就

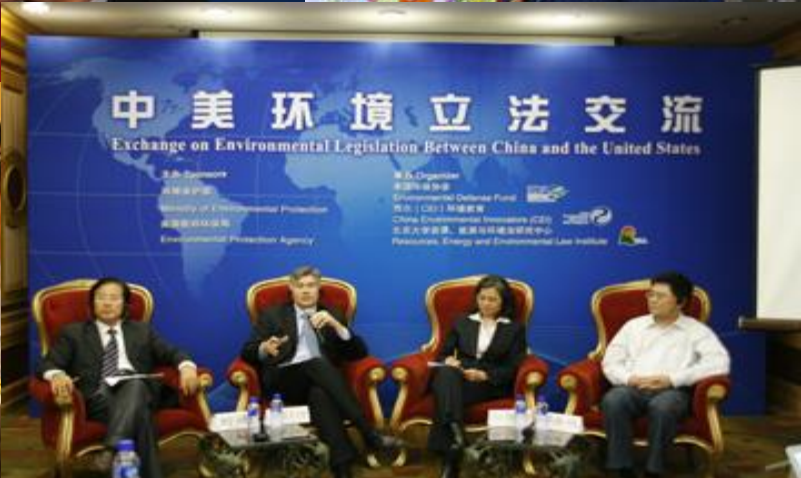
Accomplishments 2011-2013

- 推动了中方环境经济政策的制定
- Promoted the policy-making of environmental economic policy
 - 2013年2月，环保部与商务部联合发布了《对外投资合作环境保护指南》
 - February 2013, MEP and the Ministry of Commerce jointly issued *The Environmental Protection Guide of Foreign Investment and Cooperation*
 - 向财政部提供《建议纳入环境保护专用设备企业所得税优惠目录的大气污染防治设备名录》，促进企业加大环保投入，提高大气污染防治能力。
 - Provided the recommendations list of air pollution control equipment added to the catalog can enjoy preferential corporate income tax to the Ministry of Finance, promote the enterprises to increase environmental protection investment and improve air pollution control capability.
 - 联合发改委起草了《企业环境信用评价办法》，建立环境守信激励机制和失信惩戒机制。
 - Jointly with the NDRC drafted *Enterprise Credit Evaluation Method* to establish the environmental incentives and punishment mechanism

2011至2013年间的合作成就

Accomplishments 2011-2013

- 定期召开中美环境立法交流会
- Exchange on Environmental Legislation between China and the United States is held regularly
- 根据中方环境立法工作需求，选择交流会主题，包括加强地方政府环境责任、按日计罚等环境执法制度、排污许可与交易、环境污染责任保险、污染物排放清单制度、环境公益诉讼制度、环境影响评价立法、环境信息公开等
- The theme of the Exchange is chosen according to China 's environmental legislation needs, including accountability mechanisms, daily penalties, permitting and trading, environmental liability insurance, pollutant release and environmental public litigation system, EIA and information disclosure.
- 全国人大、法制办、相关司局、地方环保部门、专家等多方参与，开展深入研讨和交流
- Multi parties are involved in the profound discussion and exchange



2011年11月17-18日 第一次中美立法交流
The First Exchange on Environmental Legislation between China and the United States

中美环境立法交流

Exchange on Environmental Legislation Between China and the United States

主办 Sponsors

中国环境保护部

Ministry of Environmental Protection

美国环境保护局

Environmental Protection Agency

承办 Organizer

美国环保协会

Environmental Defense Fund

美国自然资源保护委员会

Natural Resources Defense Council

西尔 (CEI) 环境教育

China Environmental Innovators (CEI)

北京大学资源、能源与环境法研究中心

Resources, Energy and Environmental

2012年5月24-25日 第二次中美立法交流
The Second Exchange on Environmental Legislation between China
and the United States

中美环境立法交流

Exchange on Environmental Legislation Between China and the United States

主办 Sponsors

中国环境保护部

Ministry of Environmental Protection of the People's Republic of China

美国环境保护局

Environmental Protection Agency of the United States

承办 Organizer

美国环保协会

Environmental Defense Fund

美国自然资源保护委员会

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首尔 (CEI) 环境教育

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北京大学资源、能源与环境法研究中心

Resources, Energy and Environmental Law Institute



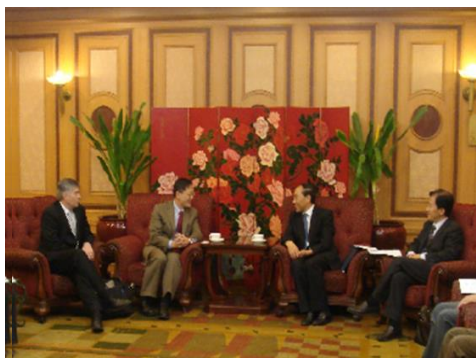
2012年12月18-19日 第三次中美立法交流

The Third Exchange on Environmental Legislation between China and the United States

2011至2013年间的合作成就

Accomplishments 2011-2013

- **良好的工作机制：**共同制定工作计划，按照计划开展合作
- A good cooperation mechanism: the work plan is co-developed and will guide the cooperation
- **顺畅的信息交流机制：**定期召开中美环境立法交流会，请上级立法机关直接参与，选题紧密结合立法工作需求，会后开展深入调研，立法中有需要了解的问题及时邮件咨询或回复。
- A smooth information-exchanging mechanism: the Exchange on Environmental Legislation between China and the United States is held regularly and the theme is closely linked to China's legislative needs. A profound investigation and research carried out after the exchange and the issues in legislation clarified in time by counseling or replying via e-mails.



2011至2013年间的合作成就

Accomplishments 2011-2013

- **有效的消化吸收方式:** 及时总结交流成果, 开展深入调研, 撰写调研报告, 积极为立法工作提供论证和服务; 同时将交流成果及时与相关司局分享, 并对地方环保部门给予培训。
- An efficient method of digestion and absorption: Achievements shall be concluded and exchanged, investigation and research be carried out and the related report be written so as to serve the legislation work. Share the achievements with the related departments and carry out the training on the local environmental protection.
- **互通的经验展示平台:** 宣传中国环境立法和环境管理成效, 展示中国环境立法创新实践。
- An open platform for sharing experience: China's achievements on environmental legislation and management can be propagandized, showing the innovative practice on the Chinese environmental legislation.





培训地方环境立法人员

Training the local environmental legislation personnel



2012-05-25

现场参观天津开发区外资企业

A visit to a foreign-funded enterprise in Tianjin Economic-Technological Development Area

中美环境合作附件 6：环境法律制定
中美环境立法交流会（一）

会议成果汇编

中美环境合作附件 6：环境法律制定
研究报告之二

美国大气环境管理重要制度研究
——排污许可、总量控制、排污交易、环境标准、联邦与州的联动

中美环境合作附件 6：环境法律制定
研究报告之一

按日计罚：
让环保法律成为“必行之法”

名家对话 - Green Dialogue

中美环境立法交流（二）
EXCHANGE ON ENVIRONMENTAL LEGISLATION BETWEEN CHINA AND THE UNITED STATES II

2012年3月26-28日
May 24-25, 2012

名家对话 - Green Dialogue

中美环境立法交流（一）
EXCHANGE ON ENVIRONMENTAL LEGISLATION BETWEEN CHINA AND THE UNITED STATES

2011年11月17-18日
November 17-18, 2011
国家立法出版社
Hart & Asch New Century Beijing

2014至2015年的重点活动

Key Activities in 2014-2015

在加强环境立法上继续加深合作 Continue and Deepen Cooperation to:

- 召开中美立法交流研讨会，学习美方在PM2.5治理等大气污染防治、生态保护与生态补偿、土壤污染防治、页岩气开发与监管、环境信息公开等方面的法律制度
- Hold the environmental legislation seminars on the legal system of air pollution control mechanisms, PM 2.5, accountability mechanisms, soil pollution prevention; information disclosure.
- 系统和深入的研究美国大气污染防治和土壤污染防治相关立法，提出研究报告，供人大立法机关参考。
- Carry out deep studies on the air and soil pollution control of the US, provide reports for reference to the NPC.
- 组织地方环境立法人员培训。培训内容为美方的环境立法经验、美国环境法律制度以及附件6取得的相关研究成果。
- Organize training for the local environmental legislation personnel, including the environmental legislation experience, the legal system of US, and the accomplishments of Annex 6.

预期合作成果

Anticipated Accomplishments in Future

- 为中方修订环境保护法、大气污染防治法，制定土壤污染防治法提供美方相关法律制度的立法经验
- Provide experience on the revision of Environmental Protection Law, Air Pollution Prevention Law, and also the Law on Prevention and Control of Soil Pollution
- 为中方构建环境保护法律体系提供美方相关法律制度的立法经验
- Provide experience on the construction of environmental protection law system
- 为中方制定与推进环境经济政策提供美方相关经验
- Provide experience on the implementation of environmental economic policy
- 在学习美国有效环境立法经验的同时，加强地方人员的信息交流，提升地方立法质量和立法人员素质。
- Strengthen the information exchange of local personnel, improve the capacity of local legislation while learning the effective experience of the US.

与其他附件之间的联系/衔接

Coordination with other annexes

Annex 6 Work Plan Element 附件六 工作计划的主要内容	Coordination 协调
立法经验交流与培训：环境保护法修改 Training and exchange: the revision of environmental protection law	与其他5个附件分享美国相关法律制度和经验 Share with other 5 annex
立法经验交流与培训：大气污染防治法修改 Training and exchange: the revision of Air Pollution Prevention Law	与其他5个附件分享美国相关法律制度和经验 Share with other 5 annex
立法经验交流与培训：土壤污染防治法制定 Training and exchange : soil pollution control law	与其他5个附件分享美国相关法律制度和经验 Share with other 5 annex
立法经验交流与培训：环境经济政策 Training and exchange : environmental economic policy	与其他5个附件分享美国相关法律制度和经验Share with other 5 annex
立法经验交流与培训：页岩气开发与监管 Training and exchange : Shale gas development and regulation	与其他5个附件分享美国相关法律制度和经验Share with other 5 annex
研究报告：《美国土壤污染防治法律制度研究》 《美国PM2.5治理法律制度研究》 Reports: 《The US Soil Pollution Prevention legal system 》 《The governance of PM2.5 legal system in US》	与其他5个附件分享美国相关法律制度和经验Share with other 5 annex